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## Region 5 Water

You are here: [EPA Home](#) [Region 5](#) [Water](#) [Local Topics](#) [UIC Topics](#) Meeting With Legislative Director from Congressmen John Dingell's Office

# Meeting With Legislative Director from Congressmen John Dingell's Office

On February 16, 2001, Mr. David Dumke, Legislative Director of Congressman John Dingell's Office, visited Region 5 to meet with staff from the Water Division and the Office of the Regional Administrator. The purpose of the impromptu meeting was to discuss Region 5's involvement with the Environmental Disposal Systems, Inc. (EDS) facility located in Romulus, Michigan. The status of Region 5's involvement with the wetland permit issued to EDS by the Michigan Department of Environmental Quality (MDEQ) and the status of Region 5's review of the EDS's underground injection well petition for exemption from the restrictions on land disposal of hazardous wastes were discussed with Mr. Dumke. Mr. Dumke informed the Region that the Congressman's Office has not yet taken a firm position on these matters, but due to increasing public controversy surrounding the EDS facility, the Congressman's Office would not be able to avoid becoming involved in the near future. Phil Hoffman, Congressional Liaison Specialist of the Office of the Regional Administrator, Ross Micham, Acting Chief of the Underground Injection Control Branch (UIC) Branch, Rita Bair, Acting Chief of the Watersheds and Wetlands Branch, and Dave Werbach, TMDL Coordinator of the Watersheds and Wetlands Branch provided answers to all of Mr. Dumke's questions. Prior to the meeting with Mr. Dumke, and when immediate answers were not readily available, key technical staff were contacted by telephone at home to provide the correct answers.

Region 5 staff members explained to Mr. Dumke that the Region had originally rejected the wetland permit application when it was submitted to Region 5 in March 2000 because the necessary supporting information was not provided. When the supporting information was provided to Region 5 in May 2000, the Region's objections were withdrawn and the MDEQ issued the wetland permit in June 2000.

UIC staff members also explained that Region 5, rather than MDEQ, is the final authority denying or approving the land ban petition request after reviewing all information and providing the opportunity for public comments. Furthermore, it was explained that a proposed decision on the petition request could not occur until the underground injection wells had been drilled and successfully passed the mechanical integrity test requirements specified in the Federal UIC regulations. Mr. Dumke seemed pleased to hear that this is a very lengthy process and no final decision from the Region was forthcoming in the near future. Finally, it was explained that the only other state-issued permit required by EDS is the RCRA Part B permit for surface facilities. The process for that permit has proceeded beyond the public comment stage. The MDEQ is expected to make a final decision regarding that permit as soon as responses to public comments have been prepared.

### Contact Persons:

	Email Address	Phone Number
Harlan Gerrish, Senior Geologist	<a href="mailto:gerrish.harlan@epa.gov">gerrish.harlan@epa.gov</a>	312-886-2939
Dana Rzeznik, Environmental Engineer	<a href="mailto:rzeznik.dana@epa.gov">rzeznik.dana@epa.gov</a>	312-353-6492

JOHN D. DINGELL  
15TH DISTRICT, MICHIGAN

RANKING MEMBER  
COMMITTEE ON  
ENERGY AND COMMERCE  
CO-CHAIR  
HOUSE GREAT LAKES  
TASK FORCE  
MEMBER  
MIGRATORY BIRD  
CONSERVATION COMMISSION

Congress of the United States  
House of Representatives  
Washington, DC 20515-2215

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SUITE 103  
MONROE, MI 48161  
(734) 243-1849

June 11, 2003

Mr. Thomas Skinner  
Administrator, Region 5  
United States Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Dear Mr. Skinner:

I write regarding the EDS Hazardous Waste Deep Injection Well proposal in Romulus, Michigan. As you know, this project involves the potential deep well injection of hazardous waste into an aquifer underlying my district. The possible impact of this project on public health and the environment in Michigan is of serious concern to me and to the citizens that I represent. Based on the situation, as I understand it, permitting of the EDS injection well would not appear to be consistent with existing legal requirements under the Resource Conservation and Recovery Act (RCRA). I am writing to ask that you 1) confirm my understanding of the situation and 2) advise me of the status of EDS's application for hazardous waste disposal, in particular, whether it is any longer possible for them to obtain approval for their project consistent with applicable law. If it is, I would request that you advise me and the citizens of Michigan of that fact by no later than July 10.

As you know, Sun Pipeline has received all necessary permits to begin construction and operation of their brine disposal and recovery well from both the EPA and most recently, the Michigan Department of Environmental Quality. That project would extract brine from the same zone into which EDS proposes to inject. As a result, the Sun Pipeline would appear to make it impossible for EDS to meet the applicable "no migration" standard of RCRA, since the removal of brine from the aquifer by Sun could potentially cause the waste injected by EDS to migrate from its disposal location, thereby violating the RCRA "land ban."

I understand that on October 4, 2001, at a small gathering with local officials of Taylor and Romulus and again, at a larger public meeting you indicated that the EDS Hazardous Waste Deep Injection Well and the Sun Oil Mineral Wells are legally and physically incompatible. According to my information, Ms. Jo Lynn Traub, EPA Region 5 Director of Water, went to far as to say that if Sun were operating their extraction wells, EDS would be told to "cease their operations and to close their well."

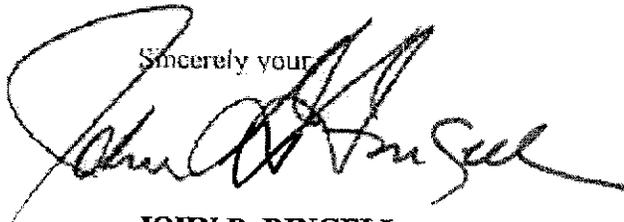
Federal UIC regulations at 40 CFR Part 148.20(a) clearly establishes the "no migration" standard. It states in part, "Any person seeking an exemption... for the injection of a restricted hazardous waste into an injection well or wells shall submit a petition to the Director that... there will be no migration of hazardous constituents from the injection zone". Given the fact that Sun is now permitted to begin extracting from the same zone into which EDS proposes to inject, it would appear that EDS would be unable to meet the no migration standard.

I understand that EDS's recent application to the Ingham County Circuit Court for an injunction in its favor was denied, thereby apparently confirming that EDS does not have a right, as a matter of law or equity, to operate the waste injection well.

The most important issue in the debate over the merits of the EDS proposal is public safety. The public opinion runs in strong opposition to the EDS proposal and the people of Romulus and Taylor are profoundly concerned at the prospect of having their backyard used to store hazardous waste. Throughout this process, the public has not been reassured that the proposed EDS operation poses no threats to public safety or the environment. As their elected representative, it is my responsibility to ensure that any disposal activities, particularly of hazardous waste, take place consistent with federal law and with fundamental principles of sound environmental policy. I trust that you share that view and that it will guide your future decisions as to appropriate action in this important matter.

With every good wish

Sincerely yours

A handwritten signature in black ink, appearing to read "John D. Dingell", written over the typed name below.

**JOHN D. DINGELL**  
Member of Congress

## Congressman John D. Dingell

*Serving Michigan's 15th Congressional District*



FOR IMMEDIATE RELEASE

January 8, 2003

Contact: Michael Hacker

202/225-4071

202/271-8587

### **Dingell Blasts Hazardous Waste Well Approval, Urges EPA to Block Project from Going Forward**

*Romulus, MI* - Congressman John D. Dingell (MI-15) today released the following statement at a public meeting held by the Environmental Protection Agency regarding the permitting process for the EDS hazardous deep injection well in Romulus.

"While Congressional business prevents me from attending tonight's meeting, I want the Environmental Protection Agency to know that I remain firmly opposed to this potentially dangerous proposal. Not only are the people of Romulus and Taylor adamantly against this injection well, which turns their backyards into a hazardous waste storage site, but nearly every community group also opposes it. This includes the Downriver Community Conference and the Downriver Board of Realtors. Moreover, the merits of the proposal are questionable and the process flawed. To date, I have not heard a credible answer as to how public safety will be guaranteed. In fact, the process used throughout this project and with other important environmental issues in Michigan has been so blemished that my fellow residents and I find it hard to believe that either the Michigan Department of Environmental Quality or the EPA actually have had our best interest and safety at heart."

"Needless to say, the most important issue here is public safety. I am not convinced, nor are the citizens of Romulus and Taylor, that public safety is being protected. According to EDS and EPA, hazardous waste will be injected in a reservoir that lies beneath porous rock, that is "rock that contains lots of tiny holes." Additionally, EDS has stated that the waste will "probably travel sideways." This statement leaves open the possibility that hazardous materials will travel almost anywhere, including into the drinking water supply. Furthermore, it is critical that we act with extreme caution given the well's proximity to the Great Lakes watershed. Leakage of even a small amount of hazardous liquid waste could place our entire ecosystem at great risk."

"How can the citizens of Michigan trust the EPA to do what is in their best interest? Indeed, they have allowed Canada to continue using Michigan as a massive dump for Canada's trash despite an agreement signed by both countries in 1992. EPA has been asked to enforce the agreement that could put a stop to millions of tons of Canada's garbage. Thus far, they have declined to do so. Why should the citizens of Michigan trust EPA to put a stop to these hazardous waste wells which could have a detrimental effect on the health and wellbeing of those living near the wells?"

"The people of Downriver feel strongly that under Governor John Engler, MDEQ's process was so flawed and motivated by greed and politics that it was discredited from the beginning. Indeed, in March 2000 the MDEQ Site Review Board voted 5-3 to recommend that then-Director Russ Harding deny EDS its Part 111 permit. A year later, Mr. Harding disregarded the recommendation of his own Site Review Board and issued the permit anyway. Tonight, I call on the new, and no doubt improved, DEQ to reconsider the previous decision and follow the recommendation of the original Site Review Board."

"In short, this approval process has raised serious questions about integrity and public safety. Significant questions about environmental repercussions have yet to be answered. Accordingly, I remain adamantly opposed to this reckless, and quite possibly harmful proposal that has been forced on the Romulus-Taylor community in spite of strong public opposition and the sound recommendation of the MDEQ Site Review Board. I strongly urge EPA to do what is right for Michigan and deny the proposed land ban exemption."

## Congressman John D. Dingell

*Serving Michigan's 15th Congressional District*



FOR IMMEDIATE RELEASE

January 28, 2003

Contact: Michael Hacker

202/225-4071

202/271-8587

### **Dingell Claims Victory as EPA Extends Public Comment Period and Grants Additional Hearing on Hazardous Waste Well**

*Washington, D.C.* - Congressman John D. Dingell (D-MI) today released a letter from Environmental Protection Agency Regional Administrator Thomas V. Skinner, which acknowledges and apologizes for errors that occurred at a January 8 public hearing on the EDS Hazardous Waste Well. The letter states that the agency will extend the comment period and schedule an additional public hearing in April. EPA has since extended the comment period to May 16.

"I am pleased that EPA has apologized for the manner in which my constituents were treated at the January 8<sup>th</sup> hearing," said Congressman Dingell. "The serious and legitimate concerns of the Romulus-Taylor community must be heeded. As their elected Representative, I will fight to make certain that their views are taken seriously, and that they are afforded all due courtesy and respect."

In a sharply worded letter to EPA's Regional Director on January 14, Dingell chided the agency for its handling of the public hearing in Romulus, at which Representatives from Dingell's staff, elected officials and citizens were not granted the opportunity to speak, or were prevented from reading statements in their entirety. Dingell's letter demanded that several remedial actions take place, including the scheduling of another hearing.

"It gives me some satisfaction to announce that the EPA is taking corrective actions, including extending the comment period and scheduling another public hearing. However, I would note that this fight is far from over. I stand alongside thousands upon thousands of citizens opposed to this hazardous waste well, and I remain committed to working with them to protect our community."

[Dingell Letter to Mr. Thomas Skinner Director U.S. EPA, Region V \(01-14-03\)](#)

[EPA Response to Dingell Letter to Mr. Thomas Skinner \(01-21-03\)](#) 

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## Congressman John D. Dingell

*Serving Michigan's 15th Congressional District*



FOR IMMEDIATE RELEASE

June 12, 2003

Contact: Michael Hacker

202/225-4071

202/271-8587

### Dingell Presses EPA to Uphold Federal Law and Block Hazardous Waste Well

*Washington, D.C.* - Congressman John D. Dingell (D-MI) today released a letter to EPA Regional Administrator Thomas Skinner urging the agency to uphold federal law and prevent the issuance of a land ban exemption to the EDS corporation for the operation of a hazardous waste injection well in Romulus. EDS has proposed to locate the injection well in close proximity to a recently permitted brine disposal and recovery well.

"The EPA, in their own documents, memoranda and public statements has stated that the EDS well and the Sun facility are fundamentally incompatible," said Rep. Dingell. "EPA is correct and applicable federal law is unambiguous in this area; the two wells simply cannot operate in the same aquifer."

Dingell, who represents the communities of Romulus and Taylor as part of the 15<sup>th</sup> Congressional District, has been an outspoken critic of the injection well proposal, and has repeatedly raised concerns with state and federal regulatory authorities. Most recently, Dingell successfully prevailed upon the EPA to extend the comment period on the proposal and to schedule another public hearing. EPA's actions were taken in response to a January letter in which Dingell chided the agency for its handling of its original public hearing.

In the letter released today, Rep. Dingell wrote: "The most important issue in the debate over the merits of the EDS proposal is public safety. The public opinion runs in strong opposition to the EDS proposal and the people of Romulus and Taylor are profoundly concerned at the prospect of having their backyard used to store hazardous waste."

In a series of pointed legal questions, based on an examination of the Resource Conservation and Recovery Act (a statute, a major portion of which Dingell himself authored), Rep. Dingell asked for EPA to again reaffirm its position that permitting the EDS injection well would not be consistent with federal law. Dingell requested answers to his questions by no later than July 10, 2003.

[Waste Well Letter to Mr. Skinner \(06-11-03\)](#) 

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## Congressman John D. Dingell

*Serving Michigan's 15th Congressional District*



FOR IMMEDIATE RELEASE

March 16, 2004

Contact: Adam Benson

202/225-4071

202/271-8587

# Dingell Blasts EPA Decision to Allow Hazardous Waste Dumps in Romulus

## Congressman says Southeast Michigan is taking on too much trash

WASHINGTON, D.C. – Congressman John D. Dingell (MI-15) called the Environmental Protection Agency's (EPA) decision to allow a company to inject hazardous waste into two wells in Romulus, Michigan "outrageous".

The EPA granted Environmental Disposal Systems (EDS) an exemption from federal restrictions. This allows EDS to take liquid hazardous waste from other states, bring it into Michigan and inject it into the wells -- despite the potential for the waste to pollute underground sources of drinking water.

"Once again, the EPA has ignored the outcry from Michigan citizens and has ignored their well-being," Dingell said. "The EPA turns the other cheek when it has the opportunity to stop the massive shipments of Canadian Waste that cross the Michigan border daily, but now the agency is giving a helping hand to a company wanting to pump hazardous waste into our ground. I fail to understand why the agency designated to protect our environment seems hell-bent on making sure Michigan becomes an international dumping ground."

Almost just as disturbing: the EPA and the Bush administration -- which claims to want to develop new sources of energy - have totally ignored a pending Sun Oil Company project to increase the supply of liquefied petroleum gas. Last September, the Michigan Department of Environmental Quality granted Sunoco a permit to drill and operate the brine disposal and extraction wells in the geological formation EDS wants to use. Soon after, EDS filed an injunction preventing Sunoco from drilling. With this decision, the Sunoco project could be in jeopardy -- costing Michigan both energy development opportunities and jobs.

"EPA has admitted that the two projects are incompatible. You can't have both projects going on in that same space. I don't understand why the EPA felt compelled to make a premature decision, knowing that things could change at any moment," Dingell said.

Michigan Governor Jennifer Granholm has also tried to convince the EPA this decision could wait until after the Sunoco project is finalized.

"The bottom line is that EPA failed to consider the health and well-being of Michigan's residents," Dingell said. "I plan to continue to fight this terrible decision."

## Congressman John D. Dingell

*Serving Michigan's 15th Congressional District*



FOR IMMEDIATE RELEASE

December 9, 2004

Contact: Adam Benson

202/225-4071

202/271-8587

### **Dingell Statement on EDS Withdrawal of Operating Permit Application for Romulus Waste Well**

*Washington, DC* - Congressman John D. Dingell (MI-15) issued this statement after learning that Environmental Disposal Systems withdrew its permit application to operate a commercial hazardous waste deep injection well in Romulus.

"I applaud the Granholm Administration for leaving no stone unturned when it comes to ensuring the safety and well-being of the people of Romulus and Taylor. The EDS hazardous waste deep injection well has been fraught with troubles from the very beginning, when the Engler Administration granted the project a Part 111 permit over the objections of the Site Review Board. The fact that EDS did not build its facility to construction permit standards gives us a very real reason to suspect that the company is not a reliable actor. Governor Granholm and DEQ Director Steven Chester, with the help of State Senator Ray Basham and State Representative Hoon-Yung Hopgood, made the people of Romulus and Taylor the top priority, something the EPA has failed to do thus far."

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# Congressman John D. Dingell

*Serving Michigan's 15th Congressional District*



FOR IMMEDIATE RELEASE

April 24, 2005

Contact: Adam Benson or Michael Robbins

202/225-4071

202/271-8587

## Dingell to EPA: Terminate EDS Deep Injection Well Permit

### *Congressman Says That Assumptions Guiding EPA Decision Now Proven To Be Erroneous*

*Dearborn, MI* - Congressman John D. Dingell (MI-15) recently wrote to Acting Environmental Protection Agency (EPA) Administrator Stephen Johnson and Action Region V Administrator Bharat Mathur to request that the EPA "immediately terminate the land ban exemption granted to Environmental Disposal Systems, Inc. (EDS)...for a proposed hazardous waste deep injection well in Romulus, Michigan."

Dingell stated in his letter that because several of the underlying assumptions made when granting the exemption proved to be false, "the most logical and prudent response would be for the EPA to immediately terminate the land ban exemption until these discrepancies have been thoroughly investigated."

"Since the Engler Administration granted the EDS project a permit over the objections of the Site Review Board, the EDS site has been laden with problems," Dingell said. "The people of Romulus and I have tried to convince the EPA that its decision to exempt EDS from federal restrictions should wait until all of the facts of the case are known. EPA chose to ignore our counsel and based its rash decision on assumptions that we now know to be bogus. I fail to understand why the agency designated to protect our environment continues to ignore the outcry of Michigan citizens against this hazardous well and seems hell-bent on making sure Michigan becomes an international dumping ground."

Dingell requested that given the sensitive nature of the request, the EPA respond to his April 14, 2005 letter no later than May 13, 2005.

[View a copy of the letter](#) 

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[Congressman John D. Dingell Homepage](#)

## Congressman John D. Dingell

*Serving Michigan's 15th Congressional District*



NEWS RELEASE

Friday, March 23, 2007

Contact: Adam Benson

202/225-4071 (office)

202/271-8587 (cell)

### **Dingell Statement on Proposed Fine for EDS**

*Washington, DC* - Congressman John D. Dingell (D-MI15) made the following comments today after the US Environmental Protection Agency (EPA) today issued an administrative order to Birmingham, MI based company Environmental Disposal Systems Inc. (EDS) for numerous violations at its hazardous waste disposal facility in Romulus. EDS operated two hazardous waste disposal wells.

"The EPA has done its due diligence by serving EDS with a much deserved fine. This company made many promises when it moved into Romulus and it has kept none of them. I expect the EPA to continue to exercise careful oversight over this facility and I hope that others will learn from this lesson."

The administrative order proposes that a penalty of \$73,992 be assessed against EDS for the alleged violations. The Michigan Department of Environmental Quality ordered the facility shut down in November 2006.

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[Congressman John D. Dingell Homepage](#)

# Congressman John D. Dingell



*Serving Michigan's 15th Congressional District*

NEWS RELEASE

Thursday, April 12, 2007

Contact: Adam Benson

202/225-4071 (office)

202/271-8587 (cell)

## Dingell Statement on Termination of EDS Permits in Romulus

*Washington, DC* - Washington, DC - Congressman John D. Dingell (D-MI15) made the following comments today after the US Environmental Protection Agency (EPA) Region 5 notified Environmental Disposal Systems (EDS) that it intends to terminate federal permits allowing the injection of hazardous waste into two underground disposal wells at a facility in Romulus.

"This is good news. EDS did not keep its promises to the people of Romulus and did not act in good faith. It is unfortunate that the people *there have suffered* a double blow – from the leak discovered by the Michigan Department of Environmental Quality and the loss of an economic opportunity. The EPA's quick action will allow Romulus to move on from this sorry episode. We will work with the people of Romulus so that another partner can work on a new business venture, instead of the disposal of hazardous liquid waste."

For more information about underground injection control and Environmental Disposal Systems go to [www.epa.gov/region5/water/tic/uicpub.htm](http://www.epa.gov/region5/water/tic/uicpub.htm).

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[Congressman John D. Dingell Homepage](#)

# Congressman John D. Dingell

*Serving Michigan's 15th Congressional District*



NEWS RELEASE

Monday, October 22, 2007

Contact: Adam Benson or Kimberlee Trzeciak

202/225-4071 (office)

202/271-8587 (cell)

## **Dingell Praises EPA's Decision to Terminate EDS Injection Well Permits**

*Washington, DC* - Congressman John D. Dingell (D-MI15) released the following comments today after the Environmental Protection Agency (EPA) announced it had decided to terminate federal permits for Environmental Disposal Systems' (EDS) hazardous liquid waste deep injection wells in Romulus, Michigan.

"This is wonderful news. Long ago, the people of Romulus and surrounding communities rallied together to fight turning their backyards into a waste disposal facility. Today, after many years, these citizens have some peace of mind. I am pleased to have worked with so many fine people over the years as we rolled up our sleeves in an effort to make EPA see that placing a commercial hazardous waste deep injection well in a residential community was unwise and unsafe. While we all would have preferred these injection wells had never been built, we can breathe a sigh of relief that this unfortunate chapter of history is finally closed."

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[Congressman John D. Dingell Homepage](#)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

RECEIVED  
JUL 20 2007  
CLARK HILL PLC

JUL 17 2007

REPLY TO THE ATTENTION OF:

WU-16J

Ms. Kristin Bellar  
Clark Hill, PLC  
212 East Grand River Avenue  
Lansing, Michigan 48906

**Re: Freedom of Information Act Request RIN-01399-07**

Dear Ms. Bellar:

This letter is in response to your Freedom of Information Act (FOIA) request of June 28, 2007, for a copy of all comments submitted on the Environmental Protection Agency (USEPA) 2007 Notice of Intent to Terminate Environmental Disposal Systems, Inc.'s Underground Injection Control permits.

Enclosed are copies of the information that you requested.

There is no fee for research and reproduction of this information because the cost is less than \$14.00. Please direct inquiries regarding this request, by referencing the number RIN-01399-07, to Dana Rzeznik of my staff at (312) 353-6492 or Mary E. Redding at (312) 886-1507.

Sincerely yours,

*for Patrick Laish*  
Lisa Perenchio, Chief  
Direct Implementation Section

From the desk of

Anita Walters

'92 AM DASL RACK

6-19-07

Dear Ms. Rzeznik,  
I strongly support  
the termination of the  
underground injection control  
permit issued to EDS for  
their facility in Romulus.  
Their operations have been  
haphazard, dangerous, and  
out-of-compliance for years.

Further, any company  
claiming to correct failures  
should have to begin the  
permitting process again.

EDSO has not shown  
good faith but profit  
motivation. Thank you

(over)



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for listening to the voice  
of the public who live  
in the area.

Sincerely,  
Anita Walters  
17935 Colgate St.  
Dearborn Heights MI  
48125

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JUN 22 2007

UIC BRANCH  
EPA REGION 5



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June 12, 2007

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JUN 14 2007

UIC BRANCH  
EPA REGION 5

Attn: Dana Rzeznik  
USEPA Region 5  
UIC Control Branch  
77 W. Jackson Blvd (WU-16J)  
Chicago, IL 60604-3590

RE: The City of Romulus' follow-up written comments on EPA's Notice of Intent to Terminate EDS UIC Permits

Dear Ms. Rzeznik:

This letter shall serve as a follow-up to the prior written comments and public statements provided by myself and the Mayor of Romulus at the public hearing held May 23, 2007 wherein various public officials and citizens attended. Other than the Pension Fund and EGT, the overwhelming negative response was universal. As far as I am aware, no representative of EDS was present nor have any comments been drafted by them in opposition to the proposed action of the EPA.

In light of the numerous violations and the utter lack of response by EDS, the EPA's course is clear. They must terminate the existing permits. EDS has shown complete disregard for the rules and the permit conditions and for the health, safety and welfare of the citizens of the State of Michigan. If not for the inspections of October 2006, no government official would have been aware of the leaks or EDS's failure to test and maintain the safety systems designed to prevent against catastrophic releases of hazardous substances.

The City of Romulus is cognizant and sympathetic with the fact that the Police and Firemen's Pension Fund has invested significant resources in the project. However, this was not merely a lender/borrower relationship. The Pension Fund also had ownership interest in the venture that would have given it a percentage of the profits. With the benefit of potential profits come the risks of potential losses.

At the hearing, representatives of RDD, the entity formed by the Pension Fund to hold EDS's property, acknowledged that EDS absolutely failed to comply with the permit conditions and were in violation of the rules and regulations. They intimated that the public was correct in that EDS was not an appropriate operator for a commercial hazardous waste well. The EPA stated at the hearing that they do not have the resources or the statutory authority to underwrite the qualifications of potential operators of hazardous waste injection well operators. Unfortunately, the one with the best opportunity to do the homework necessary, and to stop the



ATTORNEYS & COUNSELORS

Ms. Dana Rzeznik

USEPA

Page 2

June 12, 2007

train before it left the station, was RDD. Had their loan and investment underwriters done the same legwork many in the community had already done, the Police and Firemen's Pension Fund would not be out the millions today.

EDS is essentially a non-existing entity. It illegally abandoned the permits to RDD. Its own actions have shown that it no longer intends to operate the wells. Further, their absolute failure to respond to either the State or the EPA leaves the EPA no alternative but to terminate the UIC permits and the Land Ban exemption. The EPA should require the current caretaker, RDD, to plug the wells and shut down the facility immediately. Any party wishing to reapply for new permits should be required to start from scratch at both the State and local levels.

Additionally, it was disturbing to learn at the public hearing that the facility was allowed to be built with materials that basically disintegrated upon use. It is imperative that no shortcut be given any applicant. The facility was shown to be unsafe after less than one year of minimal use. Just imagine what additional failures could occur if these systems are permitted to run at full capacity for longer!

Finally, the EPA acknowledges through the permit process that no rights are given to the property of third parties. The City of Romulus urges that no new permits or exemptions from the Land Ban requirements be given until the applicant secures those third party consents.

Very truly yours,

Neil S. Silver

NSS/dc

cc: The Honorable Jennifer M. Granholm, Michigan Governor  
The Honorable Debbie Stabenow, United States Senator  
The Honorable John D. Dingell, United States Representative  
The Honorable Raymond Basham, State Senator  
The Honorable Hoon-Yung Hopgood, State Representative  
The Honorable Robert A. Ficano, Wayne County Executive  
The Honorable Edward Boike, Wayne County Commissioner  
The Honorable Alan Lambert, Mayor, City of Romulus  
Romulus City Council  
MDEQ Director Steven Chester  
Barry F. Seifman, Esquire



Robert A. Ficano  
County Executive

Wayne County Building  
600 Randolph - Suite 349  
Detroit, Michigan 48226  
(313) 224-0286  
Fax (313) 967-6558

RECEIVED

June 11, 2007

JUN 14 2007

UIC BRANCH  
EPA REGION 5

U.S. EPA Region 5  
UIC Branch (Mail Code WU-16J)  
Attn: Dana Rzeznik  
77 W. Jackson Blvd.  
Chicago, IL 60604-3590

**Re: EPA Termination of Environmental Disposal Systems, Inc.  
Hazardous Waste Injection Wells, Romulus Michigan**

Dear Ms. Rzeznik:

On behalf of the 2.5 million residents of the County of Wayne, Michigan, I am requesting that the EPA move to terminate the permits issued in 2005 to Environmental Disposal Systems Inc., (EDS) to operate two hazardous waste wells in the City of Romulus.

My Director of Environment, Kurt Heise, testified on my behalf at your public hearing on May 23, 2007, and reported back to me EDS' numerous permit violations at the site, including leaks of hazardous materials and lack of proper staffing. EDS' actions were egregious and a flagrant violation of the law, underscoring their complete disregard for public health and environmental safety. As a result, EDS' permits were terminated and they were issued a fine of \$73,992.00. EDS was given until March 4, 2007 to answer the EPA's concerns but failed to do so.

Since taking office in 2003, I have had several concerns regarding the deep injection well, most notably that it is located in such a highly urbanized area. The facility could endanger the health and welfare of residents in the surrounding area, and have long-term social, environmental, and economic impacts for all Wayne County residents. Recent failures at the facility, leading to its closure, have only bolstered my opinion that such facilities are unsound and unsafe.

March 15, 2007

It is our understanding that the current permittee, EDS, no longer exists as a valid corporate entity, and that a new entity may be ready to assume operation, with equally little or no technical and financial experience. If the EPA moves to consider a new operator at the site, a new public hearing is critical, so the new operator can be fully investigated and verified.

Ultimately, however, the most prudent course of action would be for the EPA and State of Michigan to finally put the deep injection well to rest for the reasons that I and other community leaders have put forward for years. I applaud EPA's diligence in terminating EDS' deepwell permit. It is now time for the facility to be shut down once and for all, removing this threat to Wayne County residents.

If you have any questions do not hesitate to contact me at 313-224-0366, or Mr. Kurt L. Heise, Director of the Wayne County Department of Environment, at 313-224-3631.

Sincerely,



Robert A. Ficano  
Wayne County Executive

Cc: The Honorable Jennifer M. Granholm, Michigan Governor  
The Honorable Carl Levin, United States Senator  
The Honorable Debbie Stabenow, United States Senator  
The Honorable John D. Dingell, United States Representative  
The Honorable Raymond Basham, State Senator  
The Honorable Hoon-Yung Hopgood, State Representative  
The Honorable Edward Boike, Wayne County Commissioner  
The Honorable Cameron Priebe, Mayor, City of Taylor  
The Honorable Alan Lambert, Mayor, City of Romulus  
MDEQ Director Steven Chester  
WCDOE Director Kurt L. Heise

RECEIVED

JUN 08 2007

UIC BRANCH  
EPA REGION 5

20741 Millard  
Taylor, Michigan  
June 5, 2007

Attention Dana Agajsek,

As a citizen of Taylor I have been aware of the injection well since a Romulus council person proposed it many years ago. People in our area have followed the process.

The fact that EDS<sup>plus</sup> to follow the rules proves to me they will never qualify to begin with. When they close and pass their license, like a liquor license, once again regardless of rules show me they have total disregard for everyone in this area.

When I make a bad investment - I suffer for my poor choice. The people who funded this project kept pouring more and more money into a questionable project. Do they suffer the consequences of their choice and questionable practices. Or does money speak louder than our laws.

Yes, I am emotional about this. I will be following the outcome.

Yours truly,  
Theresa Borpp



## Mayor's Office

Daniel S. Paletko  
Mayor

RECEIVED

JUN 18 2007

UIC BRANCH  
EPA REGION 5

June 14, 2007

Attn: Dana Rzeznik  
USEPA Region 5  
UIC Control Branch  
77 W. Jackson Blvd (WU-16J)  
Chicago, IL 60604-3590

RE: Termination EDC UIC Permits

Dear Ms. Rzeznik:

As the Mayor of the City of Dearborn Heights I am in full support of the EPA terminating the existing permits for the operation of the deep injection well in the City of Romulus, Michigan. The current operator of the facility has failed to properly maintain the equipment and has put the health, safety and welfare of Michigan citizens at risk. The operator has failed to acknowledge or respond to the EPA or the State and has not even come forward to object to the termination of their permits.

I hope you will make the right decision for the citizens of Michigan.

Sincerely,

A handwritten signature in cursive script that reads "Daniel S. Paletko".

Daniel S. Paletko  
Mayor

DSP/tlf

June 18, 2007

RECEIVED

JUN 22 2007

UIC BRANCH  
EPA REGION 6

U.S. Environmental Protection Agency - Region 5  
UIC Branch, Attn: Dana Rzezniak  
77 W. Jackson Blvd. (Mail code WU-16J)  
Chicago, IL 60604

Re: Environmental Disposal Systems underground injection control permit should be terminated

Dear Ms. Rzezniak:

Terminating the underground injection control permits issued to Environmental Disposal Systems Inc. for the injection of hazardous waste in their poorly run facility at 28470 Citrin Drive, Romulus, Mich. is the right thing to do. Their numerous problems and violations of the law show they cannot be trusted. **They should lose their permits!**

Any possible new company trying to come in and inject hazardous waste should have to go through the whole permitting process again. This is especially true if a new company is merely just a renaming of the same old company with same shady old characters running things.

Thank you for your time and attention to this matter.

Sincerely,

*Anne M. Marschner*

Anne Marschner

17583 Reed

Melvindale, MI 48122

*P.S. Maximum fines should be assessed.*



DON GRAHAM  
<apjaguars@yahoo.com>  
04/29/2007 07:35 AM

To

Subject Hazardous waste disposal

Dear Ms. Rzeznik,

Please accept my approval for the EPA to terminate the hazardous waste permit issued to Environmental Disposal Systems, Inc. for their facility located in Romulus, Michigan.

Respectfully submitted, Don Graham, 8104 Winona Ave., Allen Park, MI 48101

---

Ahhh...imagining that irresistible "new car" smell?

Check out [new cars at Yahoo! Autos.](#)



GLORIA D WERTH  
<rightturn41@sbcglobal.net>  
04/26/2007 06:03 AM

To  
Subject EDS Waste Wells

This message has been forwarded.

To the EPA,

Regarding the termination of permits for the waste wells in Roumlus.  
This supposed company and been less than a stand up company since is existence. Terminate the permits and don't let the Detroit Police and Firemans retirement fund take over. They are obviously no better and just as underhanded as EDS. We don't need or want this crap in our neighborhood. It's been shown to you people that it is not necessary, so pay attention to the crap that happened when you let them OPERATE.

Gloria Werth



GLORIA D WERTH  
<rightum41@sbcglobal.net>

To

04/25/2007 05:21 PM

Subject Termination of waste well permits

This message has been forwarded.

Dana Rzeznik,

First of all thank you for finally trying to do what we the residents around the deep well injection site wanted The Department of Environmental Quality to do for the last two years. I don't know if you personally attended any of the meetings that were held at the Romulus High School, or all the controversy and opposition to the waste well.

If there is any possibility of any legal action to be taken against the Environmental Disposal Systems Inc. by class action suit or whatever legal means it should be done immediately, they have thumbed their collective noses at us for as long as they could. They wouldn't build such a facility in their own neighborhood but they sure wanted to dump the waste here in Romulus. Well, now the worm has turned and it's our turn to watch them squirm and try to get out of paying what they owe in fines, law suits, violations and whatever the Hell else can be thrown at them.

Finally, I feel that the permits should be terminated and not be transferred to any other ownership for operation of the facility. Or reissued again permanently. We do not want this facility in our community.

Richard E Werth Taylor Mi 48180

**BEALS HUBBARD, P.L.C.**

Attorneys and Counselors  
30665 Northwestern Highway, Suite 100  
Farmington Hills, Michigan 48334  
<http://www.bealshubbard.com>

RECEIVED

JUN 22 2007

UIC BRANCH  
EPA REGION 5

**Michael J. Beals**  
E-Mail: [mjb@bealshubbard.com](mailto:mjb@bealshubbard.com)

Telephone (248) 932-1101  
Facsimile (248) 932-4186

June 21, 2007

City of Detroit Police and Fire Retirement Fund  
Attn: Cynthia Thomas  
908 Colman Young Ave.  
Detroit, MI 48226

**Re: Two Romulus Hazardous Deep Disposal Wells (the "Project")**

Dear Ms. Thomas

This office represents a principal group (the "Principal") who is interested in acquiring all rights in the Project held by the City of Detroit Police and Fire Retirement Fund (the "Fund"). The Principal includes Washington Group International, financial sources and others, including Bruce Truax. This letter is sent in furtherance of Mr. Ron Zajac's request for a more specific proposal for this acquisition. For purposes of this letter the Project includes the entire deep well project, consisting of 2 wells, real estate, personal property, equipment and all permits.

The Principal proposes to purchase the Project from the Fund for a total purchase price of \$38,000,000 (the "Purchase Price"). The Purchase Price would be paid \$19,000,000 down at closing with the balance payable in equal monthly installments of principal and interest over a 30 year amortization term together with interest accruing at the annual percentage rate of 5% (the "Note"). The Note would be secured by a first mortgage and security interest on the real estate, buildings and improvements, equipment and two wells themselves (as previously held prior to the deed in lieu of transaction). Monthly payments under the Note would commence within an agreed period of time following closing.

The Principal is prepared to immediately proceed with its due diligence investigations. As part of this process Washington Group International will be qualified as the licensed operator for the Project. As previously indicated to Mr. Zajac, Washington Group International has the resources, experience and reputation required for proper licensing qualification. You can learn more about the Washington Group International by visiting their website at [www.wgint.com](http://www.wgint.com).

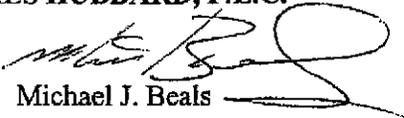
The Principal feels strongly that it is a candidate well suited to consummate this acquisition by virtue of its relationship with Washington Group International and commitments the Principal has received for financial backing of this project. The Principal is also well suited to deal with the interests of the royalty holders. In short, the Principal has the operational experience and qualifications, the financing and the contacts to make this deal happen.

If the Fund is interested in pursuing this proposal please advise and we will *immediately* commence work with counsel to draft the appropriate letter of intent and definitive documentation required. The Principal is prepared to fund a deposit prior to commencement of its due diligence as reasonably required by the Fund.

I look forward to hearing back from the Fund or its counsel to discuss logistics for the next step.

Very truly yours,

**BEALS HUBBARD, P.L.C.**

  
Michael J. Beals

MJB/jw

Cc: Ron Zajac, Esq.  
Joe Turner, Esq.



United States  
Environmental Protection  
Agency, Region 5  
Water Division

77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
Mail Code WU-16J

Underground Injection Control Branch

*IN Request To Permit*

PUBLIC NOTICE

*TERMINATION*

United States Environmental Protection Agency (U.S. EPA), Region 5, intends to terminate the permits issued to Environmental Disposal Systems, Inc. (EDS) to operate two Class I commercial injection wells located at 28470 Citrin Drive, Romulus, Michigan. U.S. EPA'S notice of intent to terminate is provided pursuant to 40 C.F.R. Sections 144.40 and 124.5(d)(1).

As provided in 40 C.F.R. Section 144.40(a) and in condition I.B.1 of the permits U.S. EPA intends to terminate the permits due to EDS's non-compliance with numerous provisions of the permits. These violations are described in the Fact Sheet that is a part of the administrative record for this decision.

You may see the draft decision to terminate the permits and the Fact Sheet for these wells at: Romulus Public Library, 11121 Wayne Road, Mon.-Thurs. 10 am-8 pm, Sat noon - 5 pm; Taylor Community Library, 12303 Pardee Road, Mon.-Thurs. 10 am-8 pm, Fri.-Sat. 10 am-5 pm; Eshleman Library, Henry Ford Community College, 5101 Evergreen Road, Dearborn, Mon.-Thurs. 7:30 am-9:30 pm.

Send your written comments on this proposed decision to terminate the permits to:

U.S. Environmental Protection Agency, Region 5  
Underground Injection Control Branch (Attn: Dana Rzeznik)  
77 W. Jackson Blvd. (WU-16J)  
Chicago, IL 60604-3590

The public comment period for the notice of intent to terminate permits runs from April 23, 2007 to June 8, 2007. A public meeting and a hearing have been scheduled for May 23, 2007 at the Crowne Plaza Hotel, 8000 Merriman Road, Romulus, Michigan. The informational meeting will take place from 6 pm until 7 pm and will be followed by the public hearing from 7 pm until 9 pm. You may make your comments during the public hearing or directly to Ms. Rzeznik during the comment period. The hearing will be open to all interested parties. In order to ensure that all who attend have the opportunity to comment, each commentor should register at the door and expect to have three minutes to comment. We will consider all comments received, in writing or at the hearing, and then issue a final decision.

You may view the administrative record, including all documents supporting this decision, at the Region 5 office. If you wish to visit the Region 5 office or need additional information, please call Ms. Rzeznik at (312) 886-6492. The office is at the address listed above, and is open between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

*I am crippled and deaf, therefore CAN NOT MAKE THE MEETING, BUT AFTER READING YOUR LETTER, I SUPPORT YOU IN TERMINATING THE PERMIT I AM VERY WORRIED THAT TOO MUCH BAD LIQUID HAS ALREADY MADE MICHIGAN DANGEROUS. I ALSO FEEL IF A PERMIT IS GRANTED TO A COMPANY - AND LATER IF THEY DECIDE TO SELL TO ANOTHER COMPANY, THAT PERMIT SHOULD BE TERMINATED ON DAY OF SALE.*



Mr. Raymond Barr  
1520 Cedar St. NE  
Grand Rapids, MI 49503-1330

*Raymond Barr*